

REMARKS

In the final Office Action the Examiner rejects claims 12-16, 18, 19, 22-26, 28, 29, 43, and 44 under 35 U.S.C. § 102(e) as anticipated by SACKS (U.S. Patent Application Publication No. 2002/0016765); and rejects claims 2-6, 8, 9, 32-36, 38, 39, 41, 42, and 45 under 35 U.S.C. § 103(a) as unpatentable over SACKS in view of the Examiner's Official Notice, and further in view of KIM et al. (U.S. Patent Application Publication No. 2005/0086164). Applicant respectfully traverses these rejections.

By way of the present amendment, Applicant amends claims 2, 4-6, 8, 9, 12-14, 16, 18, 19, 22-26, 28, 29, 32-34, 36, 38, 39, and 41-45 to improve form, and adds new claim 46. Claim 3 has been canceled without prejudice or disclaimer. No new matter has been added by this amendment. Claims 2, 4-6, 8, 9, 12-16, 18, 19, 22-26, 28, 29, 32-36, 38, 39, and 41-46 are now pending.

Rejection under 35 U.S.C. § 102(e) based on SACKS

Claims 12-16, 18, 19, 22-26, 28, 29, 43, and 44 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by SACKS. Applicant respectfully traverses this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. SACKS does not disclose, either explicitly or inherently, each of the features recited in Applicant's claims 12-16, 18, 19, 22-26, 28, 29, 43, and 44.

For example, independent claim 43, as amended, is directed to a method for performing a monetary transaction. The method includes identifying, by a server device, a profile associated with the user, in response to receiving a request for a monetary transaction from a wireless

device associated with the user; receiving, at the server device and from the wireless device, in response to identifying the profile associated with the user, payee identification information, and amount information, of the monetary transaction; verifying, by the server device, identification information associated with the wireless device based on an Internet Protocol (IP) address associated with the wireless device and at least one IP address, of one or more devices associated with the user, included in the identified profile; identifying, by the server device, a first account associated with the user based on the identified profile; determining, by the server device and based on the identified first account, whether a previous fraudulent activity has been detected for the identified first account, and at least one of whether the identified first account has been disabled, or whether sufficient funds exist in the identified first account; prompting, by the server device, a payee device associated with the payee, for information relating to a second account associated with the payee, based on the payee identification information; and transferring, by the server device, funds between the identified first account and the second account, based on the amount information, the verified identification information associated with the wireless device, and the determining. SACKS does not disclose or suggest one or more of these features.

For example, SACKS does not disclose or suggest transferring funds, by a server device, between the identified first account and the second account, based on the amount information, the verified identification information associated with the wireless device (from which a request for a monetary transaction is received, the identification information being verified based on an Internet Protocol (IP) address associated with the wireless device and at least one IP address, of one or more devices associated with the user, included in the identified profile), and the determining (determining based on the identified first account, whether a previous fraudulent

activity has been detected for the identified first account, and at least one of whether the identified first account has been disabled, or whether sufficient funds exist in the identified first account), as recited in claim 43, as amended. The Examiner relies on paragraph 0045 of SACKS as allegedly disclosing “transferring funds between the first account and the second account” (final Office Action, p. 3). Without acquiescing in the Examiner’s allegation, Applicant respectfully submits that neither this section nor any other section of SACKS discloses or suggests the above feature of claim 43, as amended.

At paragraph 0045, SACKS discloses:

In state 322, the buyer's payment is processed (unless the buyer chose to cancel the transaction). This may entail removing funds from the buyer's account with the payment processing system or charging the funds to the buyer's credit card. The funds may then be instantly deposited in the seller's account with the system. Ultimately, the funds may be transferred to another (e.g., bank) account or withdrawn by the seller.

This section of SACKS discloses that the buyer’s payment is processed, which entails removing funds from the buyer’s account with the payment processing system or charging the funds to the buyer’s credit card. However, neither this section nor any section of SACKS discloses or suggests that the buyer’s payment is processed based on an amount information, verified identification information associated with a wireless device of the buyer (from which a request for a monetary transaction is received, the identification information being verified based on an Internet Protocol (IP) address associated with the wireless device and at least one IP address, of one or more devices associated with the buyer, included in a profile of the buyer), and determining, based on the buyer’s account, whether a previous fraudulent activity has been detected for the buyer’s account, and at least one of whether the buyer’s account has been

disabled, or whether sufficient funds exist in the buyer's account, as would be required of SACKS.

In fact, neither this section nor any other section of SACKS discloses or suggests verifying identification information associated with a wireless device (from which a request for a monetary transaction is received) based on an Internet Protocol (IP) address associated with the wireless device and at least one IP address, of one or more devices associated with the user, included in a profile of a user of the wireless device. Moreover, in connection with claim 42, the Examiner admits that SACKS does not disclose "information identifying the wireless device" (final Office Action, p. 6). Accordingly, SACKS cannot reasonably be relied on as disclosing or suggesting verifying identification information associated with the wireless device (from which a request for a monetary transaction is received) based on an Internet Protocol (IP) address associated with the wireless device and at least one IP address, of one or more devices associated with the user, included in a profile of a user of the wireless device.

Furthermore, SACKS does not disclose or suggest determining, based on the identified first account, whether a previous fraudulent activity has been detected for the identified first account, and at least one of whether the identified first account has been disabled, or whether sufficient funds exist in the identified first account. In fact, SACKS does not disclose or suggest determining whether a previous fraudulent activity has been detected for the buyer's account. SACKS merely discloses that the buyer's payment is processed, which entails removing funds from the buyer's account with the payment processing system or charging the funds to the buyer's credit card, which cannot reasonably be construed as corresponding to determining whether a previous fraudulent activity has been detected for the buyer's account, and at least one

of whether the buyer's account has been disabled, or whether sufficient funds exist in the buyer's account.

Accordingly, SACKS cannot disclose or suggest transferring, by the server device, funds between the identified first account and the second account, based on the amount information, the verified identification information associated with the wireless device (from which a request for a monetary transaction is received, the identification information being verified based on an Internet Protocol (IP) address associated with the wireless device and at least one IP address, of one or more devices associated with the user, included in the identified profile), and the determining (determining based on the identified first account, whether a previous fraudulent activity has been detected for the identified first account, and at least one of whether the identified first account has been disabled, or whether sufficient funds exist in the identified first account), as recited in claim 1, as amended.

For at least the foregoing reasons, Applicant submits that claim 43 is not anticipated by SACKS. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 43 under 35 U.S.C. § 102(e) based on SACKS.

Claims 12-16, 18, and 19 depend from claim 43. Therefore, these claims are not anticipated by SACKS for at least the reasons given above with respect to claim 43. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 12-16, 18, and 19 under 35 U.S.C. § 102(e) based on SACKS.

Independent claim 44 recites features similar to (yet possibly of different scope than) features recited above with respect to claim 43. Therefore, claim 44 is not anticipated by SACKS for reasons similar to reasons given above with respect to claim 43. Accordingly,

Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 44 under 35 U.S.C. § 102(e) based on SACKS.

Claims 22-26, 28, and 29 depend from claim 44. Therefore, these claims are not anticipated by SACKS for at least the reasons given above with respect to claim 44.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 22-26, 28, and 29 under 35 U.S.C. § 102(e) based on SACKS.

**Rejection under 35 U.S.C. § 103(a) based on
SACKS, the Examiner's Official Notice, and KIM et al.**

Pending claims 2, 4-6, 8, 9, 32-36, 38, 39, 41, 42, and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over SACKS in view of the Examiner's Official Notice, and further in view of KIM et al. Applicant respectfully traverses this rejection.

Independent claim 42 is directed to a monetary transaction system comprising a payment processing system to associate a profile with a user, the profile including security information, historical information, and at least one of financial information, device information, transaction information, or authorized recipient information, receive, from a wireless device associated with the user, a request for a monetary transaction, identify, in response to receiving the request for the monetary transaction, the profile associated with the user, receive, from the wireless device, information identifying a payee and information identifying an amount, of the monetary transaction, verify identification information of the wireless device based on an Internet Protocol (IP) address associated with the wireless device and one or more IP addresses, of one or more devices associated with the user, included in the identified profile, determine, in response to receiving the information identifying the amount, whether sufficient funds exist in a first account associated with the user, whether the first account has been disabled, and whether a previous

fraudulent activity or a user has been detected, determine, in response to receiving the information identifying the payee, whether a profile associated with the payee exists, the profile associated with the payee including information identifying a second account associated with the payee, request the profile associated with the payee when the profile associated with the payee does not exist, transfer funds between the first account and the second account, based on the information identifying the amount, and based on determining whether sufficient funds exist in a first account associated with the user, whether the first account has been disabled, and whether a previous fraudulent activity or a user has been detected, and send, in response to transferring the funds, a notification of the transfer of the funds to the wireless device, the notification including an itemization of goods or services associated with the transfer. SACKS and KIM et al., whether taken alone or in any reasonable combination, do not disclose or suggest one or more of these features. Moreover, the Examiner's Official Notice does not remedy the deficiencies in the disclosures of SACKS and KIM et al.

For example, SACKS, the Examiner's Official Notice, and KIM et al., whether taken alone or in any reasonable combination, do not disclose or suggest a payment processing system to verify identification information of the wireless device based on an Internet Protocol (IP) address associated with the wireless device and one or more IP addresses, of one or more devices associated with the user, included in the identified profile (that includes security information, historical information, and at least one of financial information, device information, transaction information, or authorized recipient information, and that is identified in response to receiving a request for a monetary transaction from the wireless device), as recited in claim 42, as amended. The Examiner admits that SACKS does not disclose or suggest “information identifying the

wireless device” and relies on paragraphs 0025-0028 and Fig. 1 of KIM et al. as allegedly disclosing this feature (final Office Action, p. 6). Without acquiescing in the Examiner’s allegation, Applicant respectfully submits that neither this section nor any other section of KIM et al. discloses or suggests the above feature of claim 42, as amended.

At paragraph 0025-0028, KIM et al. discloses:

In the mobile phone (100) a mobile phone number and a mobile phone identification code are stored. Therefore, if a user dials a prescribed phone number, for example “*89” with the mobile phone 100 to request the payment to the payment transaction server 300, the dialed telephone number will be transmitted to a proximate base station (BTS) of the CDMA mobile network 200 together with the stored data of the mobile phone number and the identification code to setup a call connection.

The BTS received the call request data from the mobile phone 100 transmits it to a base station controller (not figured) where the mobile phone number and the mobile phone identification code are checked for legitimacy, if the caller is legitimate, the call is switched to the payment transaction server 300 through the mobile CDMA network 200, and a virtual circuit connection between the calling mobile phone 100 and the called payment transaction server 300 is then established (S10).

While the call connecting procedure, the microprocessor 330 of the payment transaction server 300 recognizes the call request arrived through the network interface 310, detects the telephone number of the calling mobile phone 100 from the call request signal.

From this, the microprocessor 330 searches the hard disk device 360 where information on merchant stores and subscribers (buyers) is stored like as shown FIGS. 4A and 4B for the detected mobile phone number. If the mobile phone number is discovered, the microprocessor 330 verifies that the person who generates this call is a subscriber to pay a charge using a mobile phone and identifies the buyer to pay a charge in electronic.

This section of KIM et al. discloses that a mobile phone number and a mobile phone identification code are stored in a mobile phone 100, and that the mobile phone 100 dials a prescribed phone number to request the payment to the payment transaction server. This section

of KIM et al. further discloses that a microprocessor of a payment transaction server recognizes the call request, and detects the telephone number of the calling mobile phone 100 from the call request signal. This section of KIM et al. also discloses that the microprocessor searches a hard disk from the detected telephone number, and verifies that the person who generates this call is a subscriber to pay a charge.

However, neither this section nor any other section of KIM et al. discloses or suggests that the microprocessor verifies identification information of the mobile phone 100 based on an Internet Protocol (IP) address associated with the mobile phone and one or more IP addresses, of one or more devices associated with the person, included in a profile of the person or subscriber (the profile including security information, historical information, and at least one of financial information, device information, transaction information, or authorized recipient information, and being identified in response to receiving a request for a monetary transaction from the wireless device), as would be required of KIM et al. In fact, neither this section nor any other section of KIM et al. discloses or suggests anything about an Internet Protocol (IP) address associated with the mobile phone, or that the microprocessor detects an IP address of the mobile phone. Clearly, one skilled in the art would not reasonably construe a mobile phone number and a mobile phone identification code, as disclosed in KIM et al., as corresponding to the recited Internet Protocol (IP) address associated with the wireless device.

Accordingly, KIM et al. cannot disclose or suggest a payment processing system to verify identification information of the wireless device based on an Internet Protocol (IP) address associated with the wireless device and one or more IP addresses, of one or more devices associated with the user, included in the identified profile (that includes security information,

historical information, and at least one of financial information, device information, transaction information, or authorized recipient information, and that is identified in response to receiving a request for a monetary transaction from the wireless device), as also recited in claim 42, as amended.

The Examiner's Official Notice does not remedy the above deficiencies of SACKS and KIM et al.

SACKS, the Examiner's Official Notice, and KIM et al., whether taken alone or in any reasonable combination, do not further disclose or suggest a payment processing system to determine, in response to receiving the information identifying the amount, whether sufficient funds exist in a first account associated with the user, whether the first account has been disabled, and whether a previous fraudulent activity or a user has been detected, as recited in claim 42, as amended. This feature is similar to (yet possibly of different scope than) a feature described above with respect to claim 43. Applicant submits that the Examiner's Official Notice and KIM et al. do not remedy the deficiencies in the disclosure of SACKS set forth above with respect to claim 43. Therefore, Applicant submits that SACKS, the Examiner's Official Notice, and KIM et al. do not disclose or suggest a payment processing system to determine, in response to receiving the information identifying the amount, whether sufficient funds exist in a first account associated with the user, whether the first account has been disabled, and whether a previous fraudulent activity or a user has been detected, as recited in claim 42, as amended.

Since SACKS, the Examiner's Official Notice, and KIM et al., whether taken alone or in any reasonable combination, do not disclose or suggest a payment processing system to verify identification information of the wireless device based on an Internet Protocol (IP) address

associated with the wireless device and one or more IP addresses, of one or more devices associated with the user, included in the identified profile (that includes security information, historical information, and at least one of financial information, device information, transaction information, or authorized recipient information, and that is identified in response to receiving a request for a monetary transaction from the wireless device), and determine, in response to receiving the information identifying the amount, whether sufficient funds exist in a first account associated with the user, whether the first account has been disabled, and whether a previous fraudulent activity or a user has been detected, SACKS, the Examiner's Official Notice, and KIM et al., whether taken alone or in any reasonable combination, cannot disclose or suggest transfer funds between the first account and the second account, based on the information identifying the amount, and based on determining whether sufficient funds exist in a first account associated with the user, whether the first account has been disabled, and whether a previous fraudulent activity or a user has been detected, and send, in response to transferring the funds, a notification of the transfer of the funds to the wireless device, the notification including an itemization of goods or services associated with the transfer, as also recited in claim 42.

Moreover, inasmuch as the Examiner takes Official Notice of “[sending] notification including an itemization of goods or services that are purchased (or associated with the transfer),” Applicant respectfully traverses and requests that the Examiner produce references that disclose the feature alleged by the Examiner and that can reasonably be combined with SACKS and KIM et al. to disclose the above feature of claim 42, as amended.

For at least the foregoing reasons, Applicant submits that claim 42 is patentable over SACKS, the Examiner's Official Notice, and KIM et al., whether taken alone or in any

reasonable combination. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 42 under 35 U.S.C. § 103(a) based on SACKS, the Examiner's Official Notice, and KIM et al.

Claims 2, 4-6, 8, and 9 depend from claim 42. Therefore, these claims are patentable over SACKS, the Examiner's Official Notice, and KIM et al. for at least the reasons given above with respect to claim 42. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 2, 4-6, 8, and 9 under 35 U.S.C. § 103(a) based on SACKS, the Examiner's Official Notice, and KIM et al.

Independent claim 45 recites features similar to (yet possibly of different scope than) features described above with respect to claim 42. Accordingly, Applicant submits that claim 45 is patentable over SACKS, the Examiner's Official Notice, and KIM et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 42. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 45 under 35 U.S.C. § 103(a) based on SACKS, the Examiner's Official Notice, and KIM et al.

Claims 32-36, 38, 39, and 41 depend from claim 45. Therefore, these claims are patentable over SACKS, the Examiner's Official Notice, and KIM et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 45. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 32-36, 38, 39, and 41 under 35 U.S.C. § 103(a) based on SACKS, the Examiner's Official Notice, and KIM et al.

New Claim

New claim 46 depends from claim 42. Therefore, claim 46 is patentable over the art of record for at least the reasons given above with respect to claim 42.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find any issues that remain unresolved or any new issues that may arise, which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order to expedite prosecution of this application.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to Official Notice, dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070, and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: May 10, 2010

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